



**US Army Corps  
of Engineers**  
New England District

# PUBLIC NOTICE

696 Virginia Road  
Concord, MA 01742-2751

**Date: 31 March 2009**  
**Comment Period Ends: 1 May 2009**  
**File Number: NAE 2004-2135**  
**In Reply Refer To: Mr. Brian E. Valiton**  
**Or by e-mail: brian.e.valiton@usace.army.mil**

The District Engineer has received a permit application from the applicant below to **retain and maintain existing structures in waters of the United States** as described below.

**APPLICANT: King's Landing Marina, 80 King's Landing Way, Norwell, Massachusetts**

**ACTIVITY:** This application is to retain and maintain existing bottom anchored floating docks, including finger floats, that are part of an existing marina in the North River at Norwell, Massachusetts. There are a total of approx. 2882 sq. ft. of floating docks at this marina that are the subject of this application. The main line of floating docks extends 360 linear feet downriver from the marina fixed pier a total of approx. 360 linear feet and it has 26 perpendicular finger floats (each 2.5' wide by 20.25' long). There are 3 floats each 8.25' by 16' that are part of the main float system that are also the subject of this application. The existing fixed pier, the gangway, and a 'T' shaped float system has been determined to be grandfathered (in place since prior to 18 December 1968). The work is described on the enclosed plans entitled "AT: KING'S LANDING MARINA, NORTH RIVER COUNTY: PLYMOUTH APPLICATION BY: MICHAEL BULMAN 14 BLACK BEACH LANE SCITUATE, MA," on 7 sheets, and dated "Sept. 2008."

## **WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed in the North River at 80 King's Landing Way, Norwell, Massachusetts. The proposed location on the USGS Cohasset quadrangle sheet is at UTM coordinates 4568700.00 N and 0354000.00 E zone 19.

## **AUTHORITY**

Permits are required pursuant to:

- ☒ Section 10 of the Rivers and Harbors Act of 1899
- ☐ Section 404 of the Clean Water Act
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

### **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

This project may impact 13,600 sq. ft. of Essential Fish Habitat (EFH) for Atlantic cod (eggs, larvae, juveniles, adults), haddock (eggs, larvae), pollock (eggs, larvae, juveniles, adults), whiting (eggs, larvae, juveniles, adults), red hake (eggs, larvae, juveniles, adults), white hake (eggs, larvae, juveniles, adults) winter flounder (eggs, larvae, juveniles, adults), yellowtail flounder (eggs, larvae, juveniles, adults), windowpane flounder (eggs, larvae, juveniles, adults), American plaice (eggs, larvae, juveniles, adults), ocean pout (eggs, larvae, juveniles, adults), Atlantic halibut (eggs, larvae, juveniles, adults), Atlantic sea scallop (eggs, larvae, juveniles, adults), Atlantic sea herring (larvae, juveniles, adults), monkfish (eggs, larvae, adults), bluefish (juveniles, adults), long finned squid (juveniles, adults), short finned squid (juveniles, adults), Atlantic butterfish (egg, larvae, juveniles, adults), Atlantic mackerel (eggs, larvae, juveniles, adults), summer flounder (adults), scup (juveniles, adults), black sea bass (adults), surf clam (juveniles, adults), spiny dogfish (adults), and bluefin tuna (adults). Habitat at this site can be described as mud flat and the tidal waters of the North River. Loss of this habitat may adversely affect the listed species. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.

**CENAE-R-PEA**  
**FILE NO. NAE-2004-2135**

- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

**ENDANGERED SPECIES CONSULTATION**

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the proposed project site during the operation/use period sought by the applicant. It is our determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X ) Permit from Local Wetland Agency or Conservation Commission.
- ( ) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Mr. Brian Valiton at (978) 318-8166, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

CENAE-R-PEA  
FILE NO. NAE-2004-2135

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

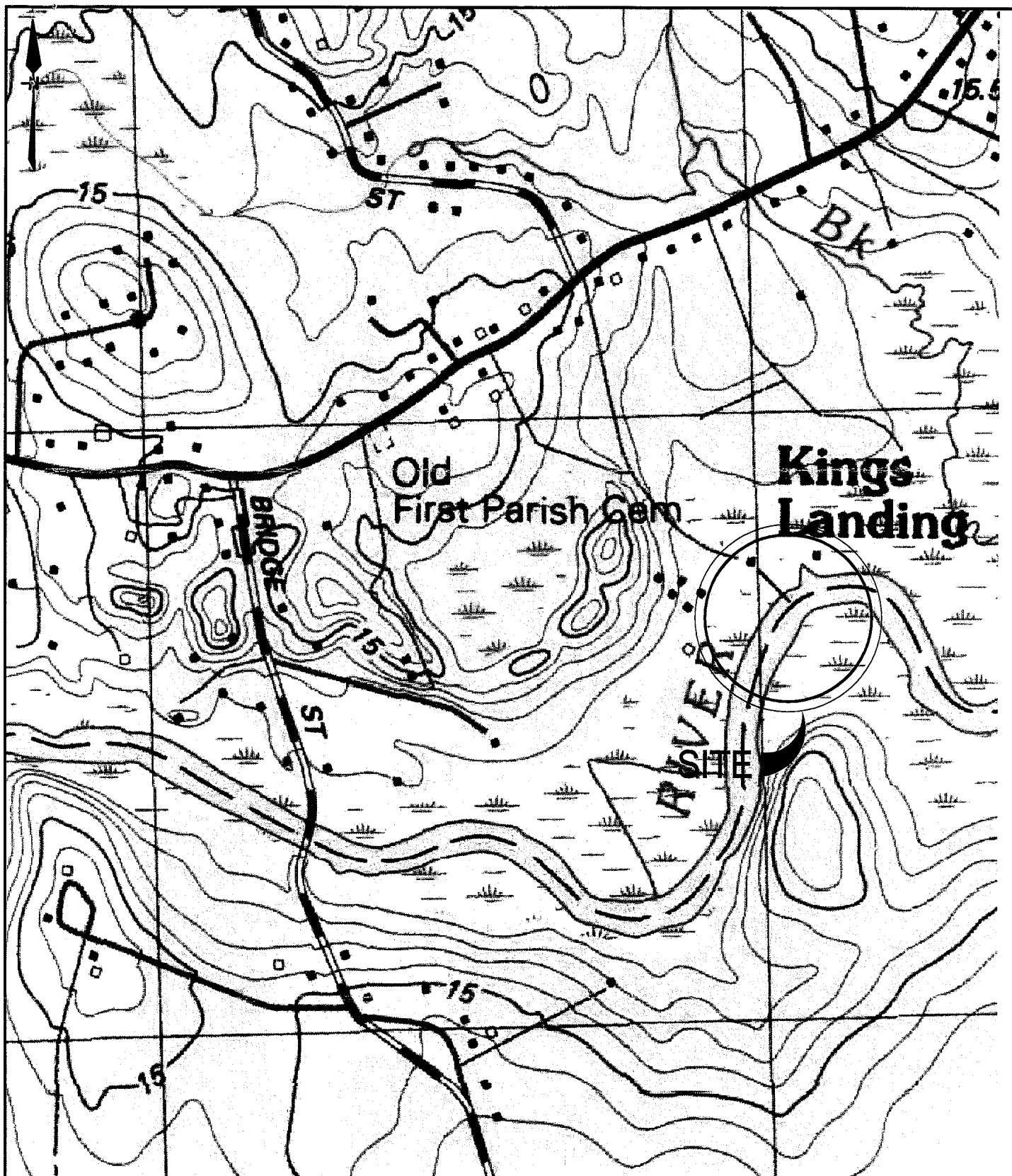


**Karen K. Adams**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_



DATUM: MLW = 0.0  
MHW = 7.0  
HTL = 8.5

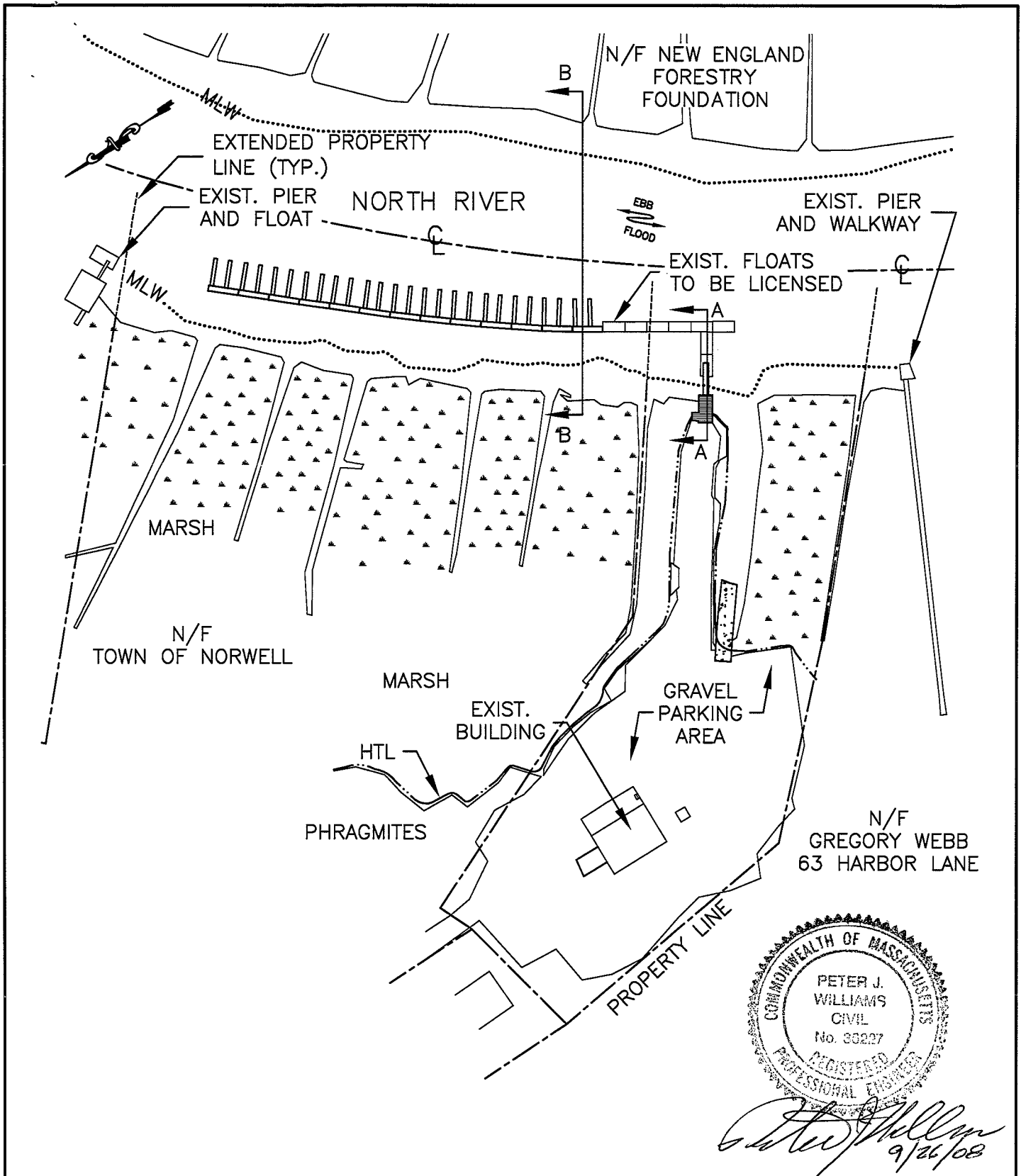
## LOCUS PLAN

AT: KING'S LANDING MARINA,  
NORTH RIVER

COUNTY: PLYMOUTH

APPLICATION BY:  
MICHAEL BULMAN  
14 BLACK BEECH LANE  
SCITUATE, MA

DATE: SEPT. 2008 SHEET 1 OF 7



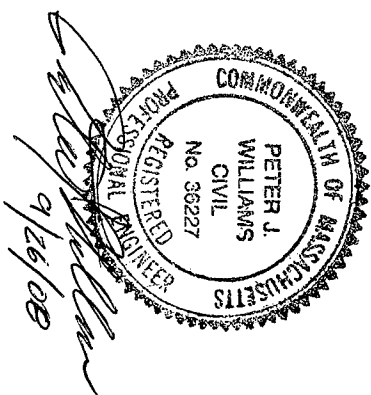
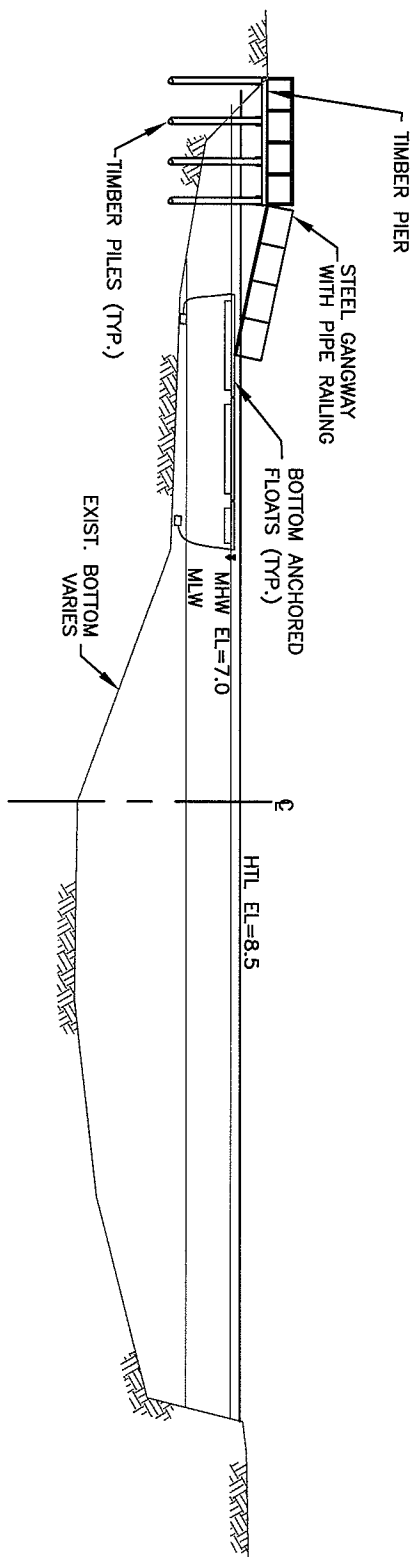
DATUM: MLW = 0.0  
MHW = 7.0  
HTL = 8.5

A horizontal scale bar with a black and white alternating pattern. It is labeled '0' at the left end, '100' at the midpoint, and '200' at the right end. Below the bar, the text 'SCALE IN FEET' is centered.

# SITE PLAN

AT: KING'S LANDING MARINA,  
NORTH RIVER  
COUNTY: PLYMOUTH  
APPLICATION BY:  
MICHAEL BULMAN  
14 BLACK BEECH LANE  
SCITUATE, MA  
DATE: SEPT. 2008 SHEET 2 OF 7



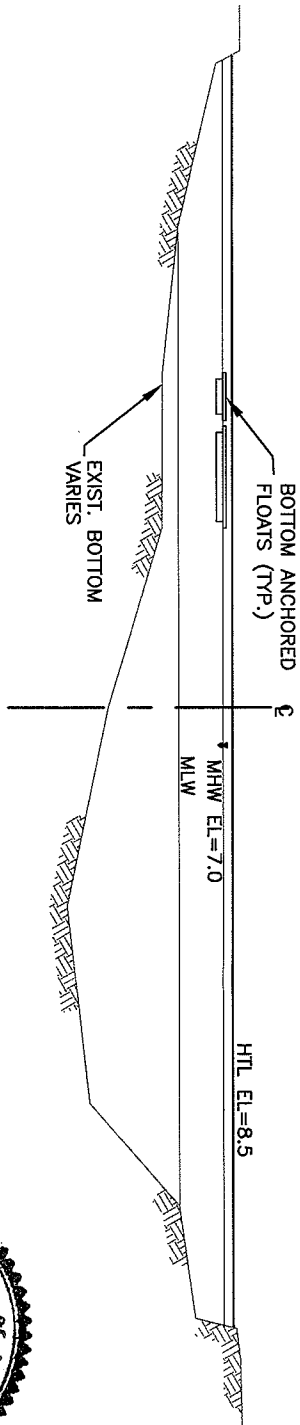


DATUM:  
MLW = 0.0  
MHW = 7.0  
HTL = 8.5

# GANGWAY/PIER SECTION A-A

AT: KING'S LANDING MARINA,  
NORTH RIVER  
COUNTY: PLYMOUTH  
APPLICATION BY:  
MICHAEL BULMAN  
14 BLACK BEECH LANE  
SCITUATE, MA  
DATE: SEPT. 2008 SHEET 4 OF 7



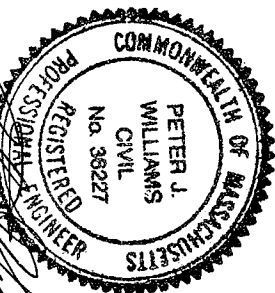


DATUM:  
MLW = 0.0  
MHW = 7.0  
HTL = 8.5

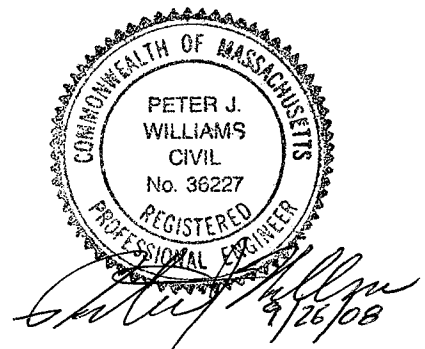
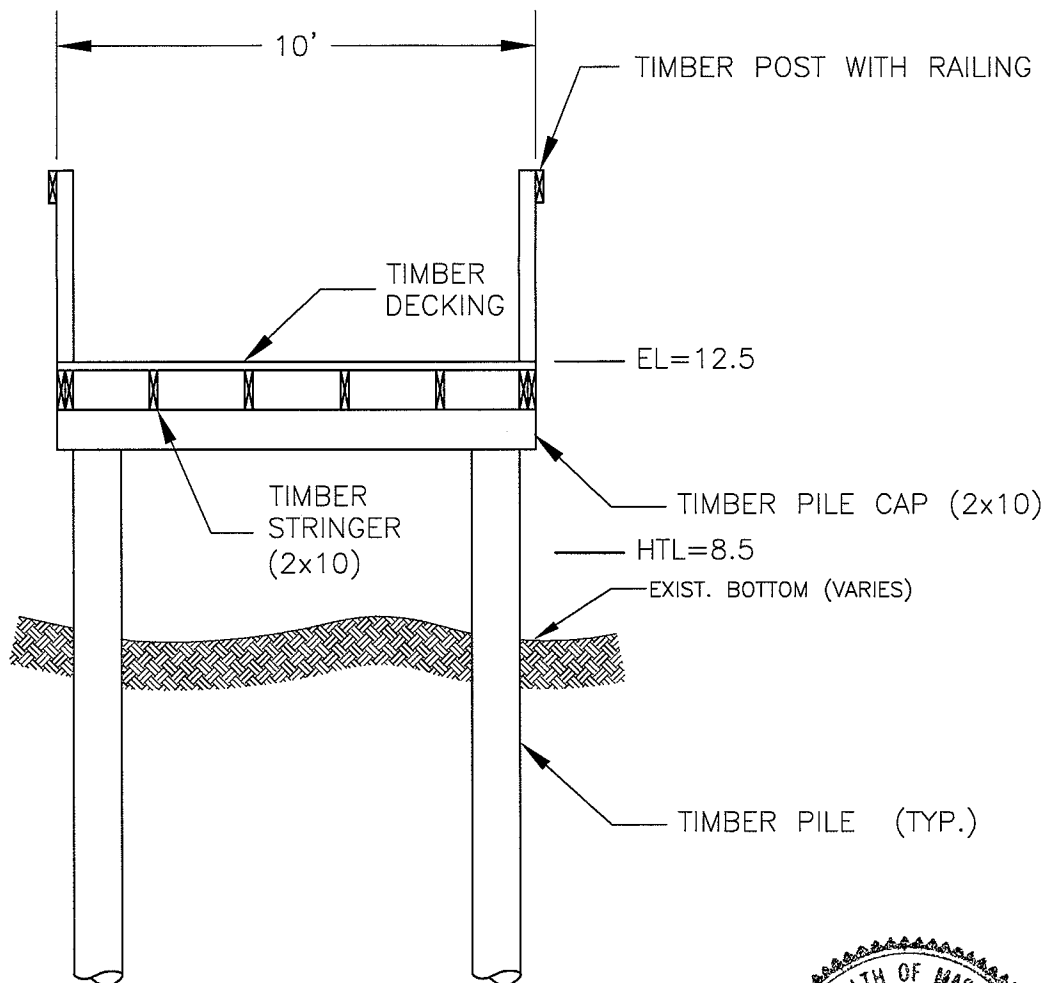
# TYPICAL RIVER CROSS SECTION B-B

AT: KING'S LANDING MARINA,  
NORTH RIVER  
COUNTY: PLYMOUTH  
APPLICATION BY:  
MICHAEL BULMAN  
14 BLACK BEECH LANE  
SCITUATE, MA

DATE: SEPT. 2008 SHEET 5 OF 7



*Michael Bulman*  
9/26/08



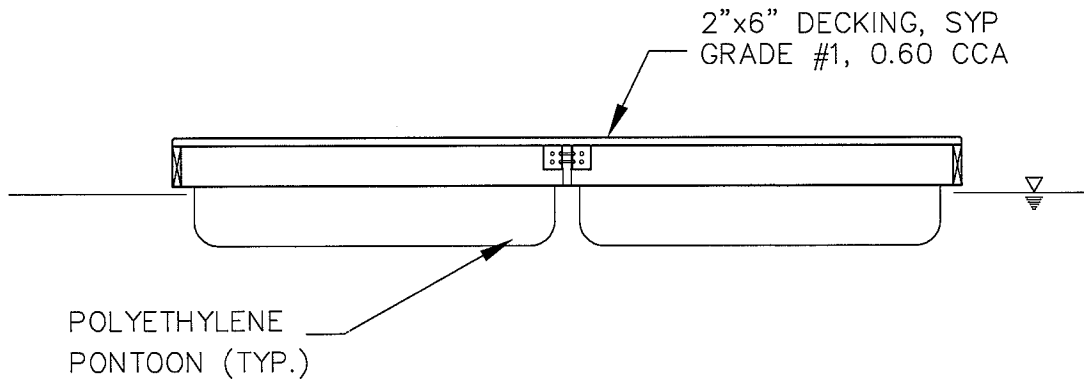
DATUM: MLW = 0.0  
MHW = 7.0  
HTL = 8.5



## TYPICAL PIER SECTION

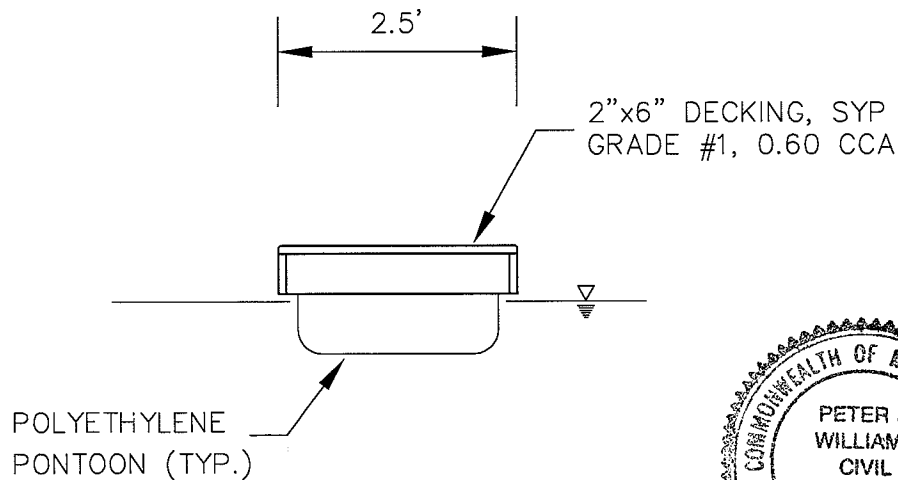
AT: KING'S LANDING MARINA,  
NORTH RIVER  
COUNTY: PLYMOUTH  
APPLICATION BY:  
MICHAEL BULMAN  
14 BLACK BEECH LANE  
SCITUATE, MA  
DATE: SEPT. 2008 SHEET 6 OF 7

G:\LAND PROJECTS\1031 - King's Landing Marina\dwg\ACOE\Site Plan 12-03-07.dwg, 9/18/2008 10:25:39 AM



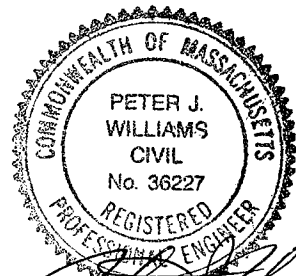
FLOAT SECTION - 8'-3" WIDE FLOAT

SCALE: 1"-2'



FLOAT SECTION - FINGER FLOAT

SCALE: 1"-2'



*Michael Bulman*  
9/24/08

DATUM: MLW = 0.0  
MHW = 7.0  
HTL = 8.5



**TYPICAL  
FLOAT SECTIONS**

AT: KING'S LANDING MARINA,  
NORTH RIVER  
COUNTY: PLYMOUTH  
APPLICATION BY:  
MICHAEL BULMAN  
14 BLACK BEECH LANE  
SCITUATE, MA  
DATE: SEPT. 2008 SHEET 7 OF 7